

PATENT 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 04-183 (400/147))

In the Application of:

McSwiggen et al.

Serial No.: 10/798,090

Filing Date: March 11, 2004

For: RNA Interference Mediated Inhibition of
Muscarinic Cholinergic Receptor Gene
Expression Using Short Interfering
Nucleic Acid (siNA)

Examiner: TBD

Group Art Unit: 1636

Confirmation No.: 6030

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above identified new patent application:

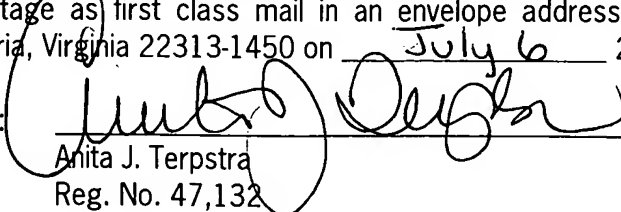
- ☒ Supplemental Information Disclosure Statement;
- ☒ Supplemental Information Disclosure Statement (IDS) PTO-1449 Form;
- ☒ Copies of IDS Citations for S/N 10/798,090 (Total 12 foreign patents and 3 other documents); and
- ☒ Return Receipt Postcard.

2. With respect to additional fees, no additional fee is required.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on July 6 2005.

By:


Anita J. Terpstra
Reg. No. 47,132

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

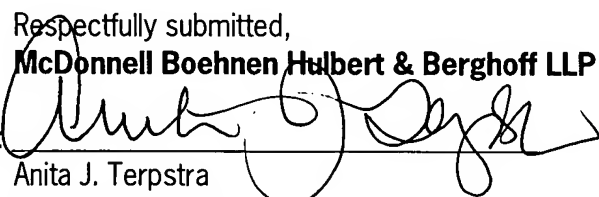
Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. This application is a continuation-in-part of U.S. Patent Application No. 10/757,803, filed January 14, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/720,448, filed November 24, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/693,059, filed October 23, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/444,853, filed May 23, 2003, which is a continuation-in-part of International Patent Application No. PCT/US03/05346, filed February 20, 2003, and a continuation-in-part of International Patent Application No. PCT/US03/05028, filed February 20, 2003, both of which claim the benefit of U.S. Provisional Application No. 60/358,580 filed February 20, 2002, U.S. Provisional Application No. 60/363,124 filed March 11, 2002, U.S. Provisional Application No. 60/386,782 filed June 6, 2002, U.S. Provisional Application No. 60/406,784 filed August 29, 2002, U.S.

Provisional Application No. 60/408,378 filed September 5, 2002, U.S. Provisional Application No. 60/409,293 filed September 9, 2002, and U.S. Provisional Application No. 60/440,129 filed January 15, 2003. This application is also a continuation-in-part of US Patent Application No. 10/427,160, filed April 30, 2003 and International Patent Application No. PCT/US02/15876 filed May 17, 2002. In accordance with Rule 37 CFR §1.98(d), those references marked with an "*" have been previously cited and submitted to the Patent and Trademark Office with the prior applications and additional references are enclosed herein. All references cited are also listed in the PTO-1449 form enclosed herewith.

The Office has amended the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. patent applications. See 69 Fed. Reg. 56481. In accordance with this amendment, cited U.S. patents and U.S. patent application publications are not enclosed.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief is in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP
Date: July 6 2005 By: 
Anita J. Terpstra
Reg. No. 47,132

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FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

04-183
(400/147)

Serial No.

10/798,090

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)



Applicant:

McSwiggen et al.

Filing Date:

March 11, 2004

Group:

1636

U.S. PATENT APPLICATION DOCUMENTS

| Examiner Initial | | Document Number | Filing Date | Name | Class | Subclass | Publication Date if Appropriate |
|------------------|---|-----------------|-------------|------------------|-------|----------|---------------------------------|
| | * | US 2003/0190635 | 10/2003 | McSwiggen et al. | | | |
| | * | US 2003/0206887 | 11/2003 | Morrissey et al. | | | |

FOREIGN PATENT DOCUMENTS

| | | Document Number | Date | Country | Class | Subclass | Translation | |
|--|----|-----------------|----------|---------------------------|-------|----------|-------------|----|
| | | | | | | | Yes | No |
| | 1. | 1325955 | 07/09/03 | EP (Klippel-Giese et al.) | | | | |
| | 2. | 08208687 | 08/1996 | JP (Hotoda et al.) | | | | |
| | 3. | 95/04142 | 02/09/95 | WO (Robinson) | | | | |
| | 4. | 01/097850 | 12/27/01 | WO (Siemeister et al.) | | | | |
| | 5. | 02/07747 | 01/31/02 | WO (King) | | | | |
| | 6. | 02/10378 | 02/07/02 | WO (Cowser et al.) | | | | |
| | 7. | 02/096927 | 12/05/02 | WO (Escobedo et al.) | | | | |
| | 8. | 03/068797 | 08/21/03 | WO (Rossi et al.) | | | | |
| | 9. | 03/070910 | 08/28/03 | WO (McSwiggen et al.) | | | | |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

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| | 10. | 03/080638 | 10/02/03 | WO (Lacasse et al.) | | | | |
| | 11. | 04/043977 | 05/27/04 | WO (Prakush et al.) | | | | |
| | 12. | 04/072261 | 08/26/04 | WO (Li et al.) | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

| | | | | | | | | |
|--|-----|--|--|--|--|--|--|--|
| | 13. | Anderson et al., "Bispecific Short Hairpin siRNA Constructs Targeted to CD4, CXCR4, and CCR5 Confer HIV-1 Resistance," <i>Oligonucleotides</i> , 13:303-312 (2003) | | | | | | |
| | 14. | Bayard et al., "Increased stability and antiviral activity of 2'-O-phosphoglycerol derivatives of (2'-5')oligo(adenylate)," <i>Eur. J. Biochem.</i> , 142(29):291-298 (1984) | | | | | | |
| | 15. | International Search Report for PCT/US2004/016390 mailed March 31, 2005 | | | | | | |

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